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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,499	07/22/2002	Brian Johanski	9D-HL-20081	4857

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EXAMINER	
CHAUDHRY, SAEED T	
ART UNIT	**PAPER NUMBER**
1746	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/064,499	Applicant(s) JOHANSKI ET AL.	
	Examiner Saeed T Chaudhry	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) *18-29* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7-22-02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restriction

Applicant's election with traverse of Group I, claims 1-17 in Paper No. 2/10/05 is acknowledged. The traversal is on the ground(s) that the inventions set out by the claims in Groups I and II are clearly related. Applicant submit that a search and examination of either Group would be relevant to the examination of the other Group and would not be a serious burden on the examiner. This is not found persuasive because search for Group I is not required for Group II. Further, the apparatus as claimed can be used to practice another and materially different process such as one not requiring a controller another operatively coupled a drive system and a spraying device.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

Claims 7 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 is indefinite and confusing since it is not clear claim 7 is dependent on claim 1 or claim 6.

Claim 13 is indefinite and confusing in the recitation of "d time", it not clear what is meant by this term.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(c) he has abandoned the invention.
(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
(f) he did not himself invent the subject matter sought to be patented.
(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

Claims 1, 2, 4, 5, 10, 11, 14, 15, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Newenhizen et al.

Van Newenhizen et al (5,199,127) disclose a method for operating a washing machine in a rinse cycle by rotating a basket at a first rate of rotation; spraying a predetermined quantity of water into the basket while the basket is rotating at the first rate; and rotating the basket at a second rate of rotation, the second rate of rotation greater than the first rate of rotation.

A spray of rinse water is directed onto the fabric during a first period of time as the fabric is rotating with and tumbling in the wash chamber. The rinse water is then drained from the wash chamber. Finally, the rinse water is removed from the fabric by spinning and draining the wash chamber (see abstract). Rotating the basket about a vertical axis. Terminating the spraying before rotating the basket at the second rate and repeat rotation of the basket at first rate and spraying water into the basket. The process of rinsing is repeated predetermined number of times (see claims 4 and 8).The fresh water is sprayed directly onto the spinning clothes load (see col. 11, lines 17-20). The reference do not specify that the clothes are saturated with water.

But during the rinsing water is sprayed on the clothes for 4 minutes, which inherently saturate the clothes. The claimed process use "comprising" language, which do not exclude other steps. The references discloses all the limitations as claimed herein. Therefore, Van Newenhizen et al anticipate the claimed process.

Claims 1, 2, 4, 10, 11, 14, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hardaway et al.

Hardaway et al. (5,233,718) disclose a method for operating a washing machine in a rinse cycle by rotating a basket at a first rate of rotation; spraying a predetermined quantity of water into the basket while the basket is rotating at the first rate; and rotating the basket at a second rate of rotation, the second rate of rotation greater than the first rate of rotation.

Rinsing fabric by spraying water directly onto said fabric and recirculating water to said wash chamber by spraying said recirculating water directly onto said fabric while spinning said wash chamber at a speed to effect less than a one gravity centrifugal force on said fabric such that said fabric will tumble within said wash chamber as it spins;

draining said wash chamber of said rinse water while spinning said wash chamber at a speed to effect more than a one gravity centrifugal force on said fabric such that said fabric will not tumble within said wash chamber as it spins; and repeating steps (d) and (e) a predetermined number of times (see claim 1). The fresh water is sprayed directly onto the spinning clothes load (see col. 9, lines 14-15). The reference do not specify that the clothes are saturated with water. But during the rinsing water is sprayed on the clothes for 4 minutes, which inherently saturate the clothes. The claimed process use "comprising" language, which do not

exclude other steps. The references discloses all the limitations as claimed herein. Therefore, Van Newenhizen et al anticipate the claimed process.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 6, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Newenhizen et al. or Hardaway et al

Van Newenhizen et al. and Hardaway et al were discussed supra. However, the references fail to disclose that the basket is driven at high speed for a first and second period, wherein the second period is longer than the first period or predetermined quantity of water is function of a load type and load size.

Both the references disclose that the water is removed by spinning the basket at high speed. Therefore, one of ordinary skill in the art would expect that by spinning longer period of time would remove more water from the clothes and manipulate the spinning period for better

and efficient results. Further, one of ordinary skill in the art would manipulate the quantity of water depending on the load size, since smaller load requires less water than the larger load.

Claims 3, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Newenhizen et al. or Hardaway et al in view of Matsumoto et al.

Van Newenhizen et al. and Hardaway et al were discussed supra. However, the reference fails to pulse the water.

Matsumoto et al (5,768,730) disclose a method for cleaning laundry, wherein jet of liquid is pulsed which causes additional impact on the laundry. Thus enhancing the cleaning effect.

It would have been obvious at the time applicant invented the claimed process to include pulsing the water during spraying as disclosed by Matsumoto et al into the processes of Van Newenhizen et al. and Hardaway et al to enhance the cleaning effect.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Newenhizen et al. or Hardaway et al in view of Badger et al.

Van Newenhizen et al. and Hardaway et al were discussed supra. However, the reference fails to disclose a step of deep fill rinse.

Badger et al (5,737,790) disclose that

Rinsing phases have customarily included "deep rinse" and/or spray rinse phases. During a deep rinse phase water is admitted to the spin tub to the same level used in the wash phase and the laundry load is agitated in the fresh water before the water is drained and a spin phase is carried out. In comparison, during a spray rinse phase the spin tub is rotated at a relatively high speed while water is sprayed onto the laundry load which is held against the base and walls of the spin tub by the rotation of the spin tub (see col. 1, lines 24-38).

It would have been obvious at the time applicant invented the claimed process to include a deep rinse cycle as disclosed by Badger et al in the processes of Van Newenhizen et al. and Hardaway et al for the purpose of removing soil and/or detergent from the clothes, which is not removed by the spray rinse cycle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.

When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Saeed T. Chaudhry
Patent Examiner

MICHAEL BARR
SUPERVISORY PATENT EXAMINER